

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ALLEN COTTON,

Defendant.

CASE NO. 8:05CR116

ORDER

This matter is before the Court on the Defendant's motion for reconsideration and request for oral argument (Filing No. 137). The Defendant requests that the Court reconsider its previous Memorandum and Order (Filing No. 127) overruling Magistrate Judge Thomas D. Thalken's Report and Recommendation (Filing No. 97) with respect to one issue and otherwise adopting the Report and Recommendation. Judge Thalken recommended granting in part and denying in part the motion to suppress filed by the Defendant, M,A, Yah, a/k/a Allen Cotton (Filing No. 49).

Prior to issuing the previous Memorandum and Order, the Court performed a de novo review of the issues relevant to the suppression motion and thoroughly considered the Defendant's objections to the Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); NECrimR 57.3(a). In the motion to reconsider, the Defendant reargues each issue, and notes a typographical error in the Memorandum and Order.

The motion to reconsider is granted insofar as on page 2 of the Memorandum and Order the words “speedy trial calculation” should be changed to “suppression motion.” (Filing No. 127, at 2.) Otherwise, after careful consideration the balance of the motion to reconsider is denied. The request for oral argument is denied.

IT IS ORDERED that the Defendant's motion to reconsider and for oral argument (Filing No. 137) is granted in part and denied in part as follows:

1. The Memorandum and Order (Filing No. 127), is hereby amended by changing the words "speedy trial" on page 2 to "suppression motion";
2. Otherwise, the motion to reconsider is denied; and
3. The request for oral argument is denied.

DATED this 20th day of January, 2006.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge